

U.S. Serial No. 09/885,663
Attorney Docket No. 033449-500C1
Amendment

such that said roof and said bottom support structure closely receive a single layer of vehicles therebetween, and wherein said driver-side side wall includes at least one opening;
providing a trailer chassis coupled to a tractor, said tractor and said trailer chassis being located on or adjacent to an external surface;
locating said module on said trailer chassis; and
driving said vehicles from said external surface into said module, wherein a front driver-side door of at least one vehicle driven into said module is opened into said at least one opening when a driver exits or enters said at least one vehicle

Remarks

The specification and claims 1, 2, 5, 6, 12, 18, 50 and 52 have been amended, and new claims 55-59 have been added. Marked-up copies of the amended claims and amended portions of the specification, illustrating the changes thereto, accompany this amendment. Review and reconsideration are respectfully requested.

The drawings are objected to for including reference signs 104' which are not mentioned in the description. Accordingly, the specification has been amended, at page 11, second full paragraph, to include references to the reference signs 104'. The specification has also been amended, at page 4, line 17, to change reference number "74" to "76." Finally, the description of the priority claim has been updated as requested in the Office action.

Claims 1, 12, 18 and 52 have been amended to address the 35 U.S.C. §112 rejections of those claims.

Claims 1-5, 8, 10, 11 and 49-51 are rejected as being anticipated by U.S. Pat. No. 4,343,401 to Paulyson. The Office action indicates that claims 9, 17-19 and 54 would be allowable if rewritten to overcome the §112 rejections and to include all the limitations of the base claim and any intervening claims. Accordingly, new claim 59 includes all the limitations of claims 1 and 17. New claim 58 includes the limitations of claims 9 and 1, as well as some of the intervening claims. However, it is submitted that the subject matter of claim 9, which specifies

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that the vehicles can be driven forwardly in both loading and unloading operations, is not shown in the cited references. Accordingly, it is submitted that new claims 58 and 59 are allowable.

Claim 1 has been amended to specify that the module is detachably located on the trailer chassis. The Office action takes the position that the container of the Paulyson reference is detachably located on a trailer. However, it is respectfully submitted that the interpretation of the Paulyson reference is in error. In particular, no description of the container of the Paulyson reference as being detachably mounted to the trailer could be found in that reference, and therefore it is submitted that the Paulyson reference does not support such an interpretation.

The Paulyson reference does disclose that the container disclosed therein can be "intermodal," and the Office action may be using this statement as a basis for taking the position that the container is removably mounted on to the trailer. However, "intermodal" merely means that a component can be shipped by more than one means of conveyance (see, e.g. attached definition from www.Dictionary.com). Furthermore, it is well known that containers need not necessarily be removable from the trailer chassis or wheels in order to be shipped intermodally. In particular, a container, with wheels attached thereto, can be located on a railroad car or on a ship or barge for further transportation in such a "piggy-back" mounting arrangement. A print out from the web page www.wholesaletrains.com/Detail.asp?ID=20013032, which illustrates a model train car in a piggy back arrangement, accompanies this Amendment. Finally, a print out from the web page www.loadmatch.com/what_is_intermodal.htm provides another supporting definition of the term "intermodal" and illustrates, in the lower drawings, a combined trailer and container in intermodal shipping.

Furthermore, column 3, line 34-37 of the Paulyson reference indicates that Fig. 1 illustrates a "container." However, the container shown in Fig. 1 includes wheels thereby emphasizing that the wheels and trailer chassis are not considered to be separate structures. Thus, because the Paulyson reference does not disclose detachably locating a module on a trailer chassis, it is submitted that claim 1 now defines over the Paulyson reference.

Claim 2 specifies that the module includes a roof and a bottom support structure spaced apart such that only a single layer of vehicles can be received between the roof and the bottom. In contrast, in the device of the Paulyson reference, two rows of vehicles can be located therein. New claim 55, which depends from claim 2, further elaborates upon the specific dimensions of the module in relation to the vehicles to ensure only a single layer of vehicles can be received therein.

Claim 6 depends from claim 1 and further specifies the step of uncoupling the module from the trailer chassis, which, as noted above, is not shown in the Paulyson reference.

Claim 11 includes the step of storing the ramp on a trailer chassis. The Office action takes the position that the ramps 71, 80 of the Paulyson reference are "transported with the trailer." However, no such disclosure could be found in the Paulyson reference, and thus it is submitted that claim 11 further defines over the Paulyson reference.

Claims 12-16 and 52 are rejected as defining obvious subject matter over the Paulyson reference in view of U.S. Pat. No. 3,934,740 to Rumell. However, this rejection is respectfully traversed. The Office action takes the position that the Rumell reference discloses a hydraulic fifth wheel and a forwardly movable wheel assembly. The Office action then takes the position that in order to allow "more system flexibility to facilitate loading from lower level external surfaces," it would have been obvious to one of ordinary skill in the art to modify the trailer of the Paulyson reference to include the hydraulic fifth wheel assembly in lieu of the wheel set of the Rumell reference.

However, it is submitted that the Office action does not provide a sufficient motivation for the proposed combination of the Rumell and Paulyson references. In particular, as is well known "[T]here must be a showing of a suggestion or motivation to modify the teaching of the reference.... Whether the Board relies upon an express or an implicit showing, it must provide particular findings thereto. Broad conclusory statements are not 'evidence'" *In re Kotzab* 55 USPQ (BNA) 2d 1365 (Fed. Cir. 2000). However, the Office action does not provide any "particularized findings" to support the proposed modification. Instead, the Office action merely

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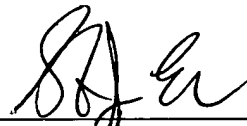
restates an advantage of the device of the Rumell reference (that is, facilitating loading/unloading) and then concludes that it would have been obvious to combine the teachings of the references. However, the Paulyson reference does not indicate that any particular need for loading from a lower level external surface is desired or needed. For example, the system of the Paulyson reference includes a loading dock 70 which eliminates the need for a hydraulic fifth wheel on the trailer chassis. Similarly, the Rumell reference does not disclose that the hydraulic fifth wheel and movable wheel assembly of that reference would be useful in driving vehicles onto a module.

Accordingly it is requested that the rejection of claims 12-16 and 52 be withdrawn. New claim 56 corresponds to claim 12 recast as an independent claim, and therefore it is submitted that claim 56 defines allowable subject matter for the same reasons discussed above.

Thus, in sum, it is submitted that the application is now in a condition for allowance, and a formal notice thereof is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809. Applicant hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



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AMENDED PORTIONS OF SPECIFICATION

Page 1, first paragraph:

This application is a continuation-in-part of Serial No. 09/364,910, filed July 28, 1999, now U.S. Pat. No. 6,416,264, which claims priority to U.S. Serial No. 60/094,601 filed July 30, 1998. The contents of [both] these [applications] documents are hereby incorporated by reference.

Page 9, first full paragraph:

The end wall 38 may be replaced with a pivotable front end door 49 located adjacent to the front end opening of the module 10, 10', similar to the door 67 discussed above. This front end door 49 enables the vehicles to be driven into or out of the front of the module 10, 10'. In this manner, the module 10, 10' can be loaded by driving vehicles forwardly entering into the module 10, 10', and can be unloaded by driving vehicles forwardly exiting from the module 10, 10'. For example, vehicles can be loaded into the module 10, 10' by driving the vehicles forwardly through the rear end opening [74] 76, and then closing and securing the rear door 67. The module 10, 10' can then be transported, such as by train, and then placing the module onto a flat surface at the destination location. The module 10, 10' can then be unloaded, such as by opening the front end door 49, and driving the vehicles forwardly through the front end opening. The front 49 and rear 67 doors enables vehicles to be loaded and unloaded while being driven forwardly only, and may eliminate the need to back up vehicles into or out of the module. This enables quick and more efficient loading and unloading of vehicles. Of course, this feature can only be used where there is proper clearance or structure to enable the vehicles to exit the desired end of the module.

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Page 11, second full paragraph:

As noted earlier, the module 10, 10' may be located on a ground surface during loading. However, in an alternate embodiment of the invention, the module may be removably located on a trailer or trailer chassis such that the modules can be loaded while the module is located on the trailer. For example, Figs. 8 and 9 illustrate a trailer chassis 102 having a frame or bed 103, a running gear or set of wheels 104, and a support jack or landing gear 112. The trailer chassis 102 includes a slide frame or suspension system (not shown) that couples the wheels 104 to the frame. The suspension system enables the wheels 104 to move relative to the frame 103 between a pivot position (shown in solid lines in Figs. 8 and 9) and an operating position (shown in hidden lines in Figs. 8 and 9 as wheels 104').

MARKED-UP COPIES OF AMENDED CLAIMS

1. (Amended) A method for transporting vehicles comprising the steps of:
providing a module shaped and sized to receive vehicles therein;
providing a trailer chassis coupled to a tractor, said tractor and said trailer chassis being located on or adjacent to an external surface;
detachably locating said module on [a] said trailer chassis; and
driving said vehicles from said external surface into said module.
2. (Amended) The method of claim 1 wherein said module [is] includes a roof and a bottom support structure which supports said vehicles thereon after said driving step, said roof and said bottom support structure being spaced apart such that only [shaped and sized to receive] a single layer of vehicles [therein] can be received between said roof and said bottom support structure.
5. (Amended) The method of claim [4] 1 [wherein said module is detachably coupled to said trailer chassis, and] wherein the method further comprises the step of driving said tractor to a desired location to transport said vehicles located inside said module to said desired location.
6. (Amended) The method of claim [5] 1 further comprising the step of uncoupling said module from said trailer chassis and placing said module onto a carrier to further transport said vehicles located inside said module.
12. (Amended) The method of claim 1 further comprising the step of, before said driving [said] step, pivoting said trailer chassis such that a loading side of said module is located closer to said external surface.

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18. (Amended) The method of claim 17 wherein said driver-side side wall includes a plurality of openings, and wherein a front driver-side door of each vehicle driven into said module is opened into [said] one of said plurality of openings when said a driver enters or exits the associated vehicle.

50. (Amended) The method of claim 1 [wherein said locating step includes detachably coupling said module to said trailer chassis and] wherein said driving step occurs after said locating step.

52. (Amended) The method of claim 15 wherein said trailer chassis is pivoted about said set of wheels in a first direction during said pivoting step, and wherein the method further comprises, after said [the steps of] driving step, [at least one vehicle from said external surface into said module, and] pivoting said trailer chassis in a second direction such that said trailer chassis [extends] is oriented generally horizontally.